

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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| LEO MCCLAM AKA LEO N. MCCLAM, # 250430, |) | C.A. No. 3:05-2242-TLW |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | WRITTEN OPINION AND ORDER |
| |) | |
| BRENDA E. YOUNG-RICE AND WILLIAM JOHNSON, |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

In this *pro se* case, the plaintiff, who is being held in the Behavior Disorders Treatment Program of the South Carolina Department of Mental Health, asserts that the defendants violated his constitutional rights, presumably pursuant to 42 U.S.C. § 1983. In particular, the plaintiff alleges that fellow resident and defendant William Johnson threatened to kill him and defendant Program Manager Brenda E. Young-Rice indicated she would “address it.”

This matter now comes before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Joseph R. McCrorey, to whom this case had previously been assigned. In his Report, Magistrate Judge McCrorey recommends that the District Court dismiss the complaint in the instant case, with prejudice, and without issuance and service of process. As reasoned by the Magistrate Judge:

The complaint fails to request any type of remedy, and fails to state a claim...

...defendant William Johnson should be dismissed because he does not act under color of state law...

Additionally, plaintiff has failed to request any relief or suggest to this Court any remedy for the alleged violations...

The complaint fails to state a claim on which relief may be granted.

The plaintiff has not filed any objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As noted above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that this case is **DISMISSED**, with prejudice, and without issuance and service of process.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

September 26, 2005
Florence, South Carolina